

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANGELA B. WEAVER and DOMENICK )  
SALVATORE, individually and )  
derivatively, as limited )  
partners, on behalf of AMD )  
SOUTHFIELD MICHIGAN LIMITED )Civil Action No. 02-1719  
PARTNERSHIP, a Michigan )Judge Terrence F. McVerry/  
Limited Partnership, )Magistrate Judge Ila Jeanne  
Sensenich  
)  
Plaintiffs, )Re: Doc. #170  
)  
vs. )  
)  
MOBILE DIAGNOSTECH, INC., a )  
Pennsylvania Corporation, MDX )  
CORPORATION, a Pennsylvania )  
Corporation, A. JEROME )  
DIGIACOBBE, JR., CALVIN F. )  
ZONTINE, and ALPHA MEDICAL )  
CONSULTANTS, INC., a )  
Pennsylvania Corporation, )  
)  
Defendants. )

ORDER

On October 17, 2002, this case was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation filed on April 25, 2006, recommended that Plaintiffs' Motion for Sanctions, Including Severance and Attorney's Fees be denied. The Report and Recommendation further recommended that the claims against the Estate of Gerald Weaver be severed from this claim pursuant to Rule 21 of the Federal Rules of Civil Procedure and

filed as a new civil action, and that the filing fee for the new civil action be waived.

The parties were allowed (10) days from the date of service to file objections. Service was made on all parties. Objections have been filed to the Report and Recommendation.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and objections thereto, the following order is entered:

AND NOW, this 15<sup>th</sup> day of June, 2006;

IT IS HEREBY ORDERED that the Plaintiffs' Motion for Sanctions, Including Severance and Attorney's Fees be denied.

IT IS FURTHER ORDERED that the claims against the Estate of Gerald Weaver be severed from this claim pursuant to Rule 21 of the Federal Rules of Civil Procedure and filed as a new civil action, and that the filing fee for the new civil action be waived.

The Report and Recommendation of Magistrate Judge Sensenich, dated, April 25, 2006 is adopted as the opinion of the Court.



TERRENCE F. MCVERRY  
United States District Judge

cc: Ila Jeanne Sensenich  
United States Magistrate Judge